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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

KIMBERLY DEVEER, surviving spouse)
and wrongful death personal)
Representative of DANIEL DEBEER,)
deceased,)

Plaintiff,)

v.)

Docket 23-cv-33

AMAZON LOGISTICS, INC., d/b/a)
PRIME, AMAZON.COM, INC.,)
AMAZON.COM SERVICES LLC,)
AAF555 LLC, NORTHWEST EXPRESS)
LLC, ASD EXPRESS, LLC and)
JUSTIN NZARAMBA)

Defendants.)

ANSWER

COME NOW the Defendants, Northwest Express, LLC and Justin Nzaramba, by and through counsel, Zenith S. Ward of Buchhammer & Ward, P.C., and answers and responds to Plaintiff's *Complaint* as follows:

1. Answering paragraph 1, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

2. Answering paragraph 2, Defendants admit the allegations contained therein.

3. Answering paragraph 3, Defendants deny the allegations contained therein.

4. Answering paragraph 4, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

5. Answering paragraph 5, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

6. Answering paragraph 6, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

7. Answering paragraph 7, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

8. Answering paragraph 8, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

9. Answering paragraph 9, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

10. Answering paragraph 10, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

11. Answering paragraph 11, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained

therein and accordingly deny the same.

12. Answering paragraph 12, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

13. Answering paragraph 13, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

14. Answering paragraph 14, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

15. Answering paragraph 15, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

16. Answering paragraph 16, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

17. Answering paragraph 17, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

18. Answering paragraph 18, Defendants deny the allegations contained therein.

19. Answering paragraph 19, Defendants admit the allegations contained therein.

20. Answering paragraph 20, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

21. Answering paragraph 21, Defendants deny the allegations contained therein.

22. Answering paragraph 22, Defendants state the allegations are legal conclusions to which no response is required, and otherwise that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

23. Answering paragraph 23, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

24. Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

25. Answering paragraph 25, Defendants admit the allegations contained therein.

26. Answering paragraph 26, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

27. Answering paragraph 27, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

28. Answering paragraph 28, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

29. Answering paragraph 29, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

30. Answering paragraph 30 Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

31. Answering paragraph 31, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

32. Answering paragraph 32, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

33. Answering paragraph 33, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

34. Answering paragraph 34, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

35. Answering paragraph 35, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained

therein and accordingly deny the same.

36. Answering paragraph 36, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

37. Answering paragraph 37, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

38. Answering paragraph 38, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

39. Answering paragraph 39, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

40. Answering paragraph 40, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

41. Answering paragraph 41, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

42. Answering paragraph 42, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

43. Answering paragraph 43, and subparagraphs therein, Defendants deny the

allegations contained therein.

44. Answering paragraph 44, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

45. Answering paragraph 45, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

46. Answering paragraph 46, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

47. Answering paragraph 47, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

48. Answering paragraph 48, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

49. Answering paragraph 49, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

50. Answering paragraph 50, Defendants deny the allegations contained therein.

51. Answering paragraph 51, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained

therein and accordingly deny the same.

52. Answering paragraph 52, Defendants deny the allegations contained therein. Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

53. Answering paragraph 53, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

54. Answering paragraph 54, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

55. Answering paragraph 55, Defendants admit the allegations contained therein.

56. Answering paragraph 56, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

57. Answering paragraph 57, Defendants deny the allegations contained therein.

58. Answering paragraph 58, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

59. Answering paragraph 59, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained

therein and accordingly deny the same.

60. Answering paragraph 60, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

61. Answering paragraph 61, Defendants deny the allegations contained therein.

62. Answering paragraph 62, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

63. Answering paragraph 63, Defendants admit the allegations contained therein.

64. Answering paragraph 64, Defendants deny the allegations contained therein.

65. Answering paragraph 65, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

66. Answering paragraph 66, Defendants admit the allegations contained therein.

67. Answering paragraph 67, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

68. Answering paragraph 68, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained

therein and accordingly deny the same.

69. Answering paragraph 69, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

70. Answering paragraph 70, Defendants deny the allegations contained therein.

71. Answering paragraph 71, Defendants admit the allegations contained therein.

72. Answering paragraph 72, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

73. Answering paragraph 73, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

74. Answering paragraph 74, Defendants admit the allegations contained therein.

75. Answering paragraph 75, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

76. Answering paragraph 76, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

77. Answering paragraph 77, Defendants state that the allegations contain legal

conclusions to which no response is required, and otherwise Defendants are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

78. Answering paragraph 78, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

79. Answering paragraph 79, Defendants deny the allegations contained therein.

80. Answering paragraph 80, Defendants restate their responses to each of the paragraphs incorporated therein.

81. Answering paragraph 81, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

82. Answering paragraph 82, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

83. Answering paragraph 83, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

84. Answering paragraph 84, Defendants restate their responses to each of the paragraphs incorporated therein.

85. Answering paragraph 85, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained

therein and accordingly deny the same.

86. Answering paragraph 86, and all subparagraphs therein, Defendants deny the allegations contained therein.

87. Answering paragraph 87, Defendants deny the allegations contained therein.

88. Answering paragraph 88, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

89. Answering paragraph 89, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

90. Answering paragraph 90, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

91. Answering paragraph 91, Defendants deny the allegations contained therein.

92. Answering paragraph 92, Defendants restate their responses to each of the paragraphs incorporated therein.

93. Answering paragraph 93, Defendants admit the allegations contained therein.

94. Answering paragraph 94, Defendants admit the allegations contained therein.

95. Answering paragraph 95, Defendants deny the allegations contained

therein.

96. Answering paragraph 96, Defendants admit the allegations contained therein.

97. Answering paragraph 97, Defendants deny the allegations contained therein.

98. Answering paragraph 98, and all subparagraphs therein, Defendants deny the allegations contained therein.

99. Answering paragraph 99, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

100. Answering paragraph 100, Defendants deny the allegations contained therein.

101. Answering paragraph 101, Defendants restate their responses to each of the paragraphs incorporated therein.

102. Answering paragraph 102, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

103. Answering paragraph 103, Defendants state that they are generally without knowledge or information sufficient to either admit or deny the allegations contained therein and accordingly deny the same.

AFFIRMATIVE DEFENSES

1. Defendants deny each and every other allegation of Plaintiff's *Complaint* not specifically admitted herein.

2. As a further and separate defense, Defendants allege that none of their acts or omissions were the cause of the accident, injuries or damages alleged in Plaintiff's *Complaint*.

3. As a further and separate defense, Defendants allege that the accident, injuries, and damages complained of in Plaintiff's *Complaint* may have been the result of the sole negligence of Plaintiff.

4. As a further and separate defense, Defendants allege that Plaintiff may have been comparatively at fault for the claimed accident, injuries, and damages, and that if Plaintiff has any comparative fault, Defendants have no liability for that fault and Plaintiff's damages, if any, must be reduced in proportion to the share of Plaintiff's own fault.

5. As a further and separate defense, Defendants allege that if there was any negligence by Plaintiff, that negligence was greater than any negligence on the part of Defendant, thus barring recovery by Plaintiff.

6. As a further and separate defense, Defendants allege that the acts or omissions of the Defendants were not the proximate cause of Plaintiff's injuries or damages, if any.

7. As a further and separate defense, Defendants allege that the unreasonable acts of the Plaintiff may have been the sole cause of Plaintiff's injuries, if any.

8. As a further and separate defense, Defendants allege that Plaintiff has failed to state a claim upon which relief can be granted.

9. As a further and separate defense, any assessment of exemplary or punitive damages violates Defendant's constitutional rights under the Fifth, Sixth, Eighth,

and Fourteenth Amendments of the United States Constitution and constitutional rights under the Wyoming Constitution, in one or more of the following respects:

- a. The guidelines, standards and instructions for assessing exemplary or punitive damages are vague, indefinite, and uncertain, supply no notice to Defendant of the potential repercussions of his alleged conduct, set no limit on damages that can be awarded, fail to require proof of every element beyond a reasonable doubt, are subject to the unbridled discretion of the jury, and do not allow adequate judicial review, thereby denying due process.
- b. Exemplary or punitive damages are criminal or penal in nature and, therefore, the rights given defendants in criminal proceedings are applicable.
- c. The assessment of exemplary or punitive damages amounts to the imposition of an excessive fine and cruel and unusual punishment.
- d. Exemplary or punitive damages expose Defendant to multiple punishment and fines for the same act.
- e. Exemplary or punitive damages constitute double jeopardy.
- f. The assessment of exemplary or punitive damages does not provide an adequate procedure for the determination of exemplary or punitive damages in violation of the equal protection and substantive due process requirements.

10. Defendants reserve the right to supplement their defenses as discovery proceeds.

WHEREFORE, Defendants pray that the Plaintiff's *Complaint* and all actions thereon be dismissed, that Defendants be awarded their attorney fees and costs, and for such other and further relief as the Court may deem just and proper.

DATED this 5th day of April, 2023.

Northwest Express, LLC and Justin Nzaramba,
Defendants.

By: /s/ Zenith S. Ward
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zsw@wyoming.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was forwarded as noted below, this 5th day of April, 2023.

Grant H. Lawson
Joseph P. Chenchar
Metier Law Firm, LLC
259 S. Center, Suite 301
Casper, WY 82601
grant@metierlaw.com
joe@metierlaw.com

<input type="checkbox"/>	Facsimile
<input checked="" type="checkbox"/>	CMECF
<input type="checkbox"/>	U.S. Mail and Email
<input type="checkbox"/>	Hand Delivery

Stuart R Day
WILLIAMS PORTER DAY & NEVILLE
159 North Wolcott, Suite 400
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sday@wpdn.net

<input type="checkbox"/>	Facsimile
<input checked="" type="checkbox"/>	CMECF
<input type="checkbox"/>	U.S. Mail and Email
<input type="checkbox"/>	Hand Delivery

/s/ Zenith S. Ward
Zenith S. Ward